

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

SEP 21 2005

JOHN F. CORCORAN, CLERK  
BY: *H McDonald*  
DEPUTY CLERK

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

KIRKWOOD D. CABINESS,

*Defendant.*

CRIMINAL CASE NO. 4:02-CR-70031

ORDER AND OPINION

JUDGE NORMAN K. MOON

This matter is currently before the Court on the Defendant's Motion of September 19, 2005. Defendant moves the court to allow him to proceed without cost in his appeal of the Court's denial of his Motion to Compel a Rule 35(b) Motion. For the reasons listed in the Court's Order of September 16, 2005, the Court GRANTS his motion to proceed in forma pauperis.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:

*Norman K. Moon*  
\_\_\_\_\_  
Judge

*9/21/05*  
\_\_\_\_\_  
Date